

HAITI EARTHQUAKE RELIEF

Senator Lieberman has received numerous inquiries from constituents regarding the devastating January 12, 2010 earthquake in Haiti. The following information is provided to constituents seeking information about disaster relief programs, how to contact Haitian family and friends, immigration programs for Haitian nationals, humanitarian parole for Haitian orphans, and disaster relief programs.

The White House

A dedicated web site has been established by The White House regarding Haiti Earthquake Relief at <http://www.whitehouse.gov/haitiearthquake>. This web site also has links to find out how each federal department and agency is responding to the earthquake in Haiti.

Quick Contact Cheat Sheet:

Haiti Task Force Number: 1-888-407-4747

Haiti Task Force Public E-mail Address: Haiti-Earthquake@state.gov

Public E-mail for Inquiries about Immigrant and Non-immigrant Visas in Haiti: haitivisainquiry@state.gov

Haiti Updates/Google Crisis Response Person Finder Program Link: www.state.gov/haitiquake/

Donations/Contributions: www.usaid.gov/haiti; Individual/Small Group: www.cidi.org; 703-276-1914; Large-scale, Corporate: helphaiti@state.gov

Volunteer Opportunities: <http://www.cidi.org/incident/haiti-10a/>, 703-276-1914; www.usaid.gov/haiti

U.S. Citizen Inquiries

Please try to have available the following information related to family member/friend: full name; date of birth; citizenship; time, date, and place of last known location; any contact information, such as a cell phone number or hotel/church, etc. number, where the person could be reached; constituent e-mail address.

WELFARE AND WHEREABOUTS

To Ask For or Provide Information About U.S. Citizens in Haiti

Email the Task Force at Haiti-Earthquake@State.Gov

OR

From the U.S. or Canada, call 888-407-4747.

Outside the U.S. and Canada, call 202-501-4444.

For U.S. Citizens in Haiti Seeking Assistance or Reporting Their Status/Whereabouts

Call the Embassy's Consular Task Force at 509-2229-8942, 509-2229-8089, 509-2229-8322, or 509-2229-8672.

OR

Email the Embassy at ACSPaP@state.gov.

For All Nationalities and Locations

Use the [Person Finder](#) to find and share information about foreign citizens in Haiti.

Expedited Passports for Emergency Haiti Relief Workers

The U.S. Department of State recognizes the urgency for emergency relief workers to travel to Haiti and will facilitate the application process for those who have immediate travel to the island. Government sponsored individuals will not have to pay the \$60 expedite fee if they are able to provide documentation from their government employer/sponsor that identifies them as going to Haiti specifically for relief work.

U.S. Visas in Haiti

IMMIGRANT VISAS - On February 3, 2010, the American Embassy in Port-au-Prince resumed immigrant visa operations for Haitian citizens with previously scheduled immigrant visa interviews. For specific information on immigrant visa interview appointments visit the American Embassy's web site at http://haiti.usembassy.gov/pr_020210.html. You may also contact the National Visa Center at (603)334-0700 or via email at NVCINQUIRY@state.gov for information about these cases.

In addition, the U.S. Department of State has established a "Frequently Asked Questions" http://travel.state.gov/travel/cis_pa_tw/pa/pa_haiti_info_number.html web site.

NONIMMIGRANT VISAS - The American Embassy in Port-au-Prince, Haiti has resumed nonimmigrant visa processing (student, tourist, exchange, and work permits). Visit the American Embassy's web site at <http://haiti.usembassy.gov/applyniv.html> for information about the on-line NIV appointment system, and guidelines on how to qualify for a tourist visa.

Contributions/Donations

Anyone wishing to donate or provide assistance in Haiti following the devastating earthquake should visit USAID's Help for Haiti web site at <http://www.usaid.gov/haiti> where there are hundreds of critical needs posted by nonprofits working in Haiti.

If you are able to donate large quantities of products, please visit www.aidmatrix.org/haiti and click in-kind donations to see a list of items needed by those organizations working in Haiti. You can receive further guidance by sending a message to helphaiti@state.gov which will immediately send an auto-response providing detailed information on ways to respond.

Citizens/Vendors - If you are a private party interested in providing services for pay to the U.S. Government, visit <https://www.fbo.gov>

Text "HAITI" to "90999" and a donation of \$10 will be given automatically to the American Red Cross to help with relief efforts, charged to your cell phone bill

The most effective way people can assist relief efforts is by making cash contributions to humanitarian organizations that are conducting relief operations. Information on organizations responding to the humanitarian situation in Haiti may be available at www.reliefweb.int, and at USAID: www.usaid.gov – Keyword: Donations.

Contact the [Clinton-Bush Haiti Fund](#) - a joint fundraising effort for Haiti earthquake relief led by former Presidents Bill Clinton and George W. Bush.

Below you will find the links to the **Center for International Disaster Information's (CIDI)**, www.cidi.org, Guidelines and FAQ, which will be helpful in answering questions from constituents around the country about **individual and smaller scale monetary and non-monetary donations**. That website also has the Guidelines available in French and Kreyol, if you should need them.

CIDI Hotline: 703-276-1914

Haitian Citizens in the U.S.

Haitian citizens in the U.S. should call the Haitian Embassy in Washington, D.C., 202-332-4090, or the Haitian Consulate in New York City, 305-859-2003.

Additionally, Google has a Crisis Response Person Finder program which allows anyone to locate and contribute information on people in Haiti. This tool also makes the data accessible to other governments and private organizations in English, French & Creole, and may be found at the bottom of the www.state.gov/haitiquake website.

The ICRC, in partnership with the Haitian Red Cross, has opened a tracing center at its headquarters in Port-au-Prince to allow survivors to register and make contact with loved ones. Teams helping people to re-establish contact with their relatives are operating in four camps and have facilitated almost 900 phone calls between residents in Port-au-Prince and relatives living abroad. Joint ICRC/HRCS Red Cross teams have also been registering the names of people eager to let their loved ones know that they are alive and well on the ICRC family links website (www.icrc.org/familylinks).

Volunteer Opportunities

Additionally, persons who wish to provide assistance or expertise in Haiti are asked to contact the Center for International Disaster Information. The Center, operated under a grant from the United States Agency for International Development's (USAID) Office of Foreign Disaster Assistance, has established a dedicated page to coordinate Haiti support at: <http://www.cidi.org/incident/haiti-10a/>, 703-276-1914.

Adoptions

U.S. citizens with pending adoption cases in Haiti are requested to first contact the Department of State at AskCI@state.gov for information about their adoption case. In the inquiry, please include: full name and contact information of parents, full name(s) of child(ren), date(s) of birth of child(ren) [if known], and the name and contact information of orphanage. Individuals can find additional information about adoptions in Haiti at <http://adoption.state.gov/news/Haiti.html#>.

Haitianchildren@state.gov is an e-mail address for public pertaining to questions about adoption of Haitian orphans who do not/not have a U.S. pending adoption.

Special Humanitarian Parole Program for Haitian Orphan – Where in the Process Are You?

U.S. Citizenship and Immigration Services (USCIS) stopped accepting new requests for parole under the *Special Humanitarian Parole Program for Haitian Orphans* effective April 13, 2010, because the Haitian government requested that the United States bring the program to a close.

Scenario #1	Scenario #2	Scenario #3
<p>DHS paroled the child into the United States after January 12, 2010, according to the Haitian Orphan Parole Program.</p> <p>You completed a full and final adoption in Haiti, for immigration purposes, meaning: The foreign adoption of the Haitian orphan was not defective.</p> <p>The adoption was completed in Haiti by a U.S. citizen and spouse jointly, or by an unmarried United States citizen at least 25 years of age.</p> <p>The unmarried U.S. citizen parent or U.S. citizen parent and spouse did jointly see and observe the child, in person, prior to or during the foreign adoption proceedings.</p>	<p>DHS paroled the child into the United States after January 12, 2010, according to the Haitian Orphan Parole Program.</p> <p>You did not complete a full and final adoption in Haiti, for immigration purposes. (Click on "start here" below to begin.)</p>	<p>You Reside Overseas. The orphan was paroled into the United States and released to your physical custody by Health and Human Services (HHS) Or Customs and Border Protection (CBP). You did not complete a full and final adoption in Haiti, for immigration purposes. You did not complete an Immigrant Visa. (Click on "start here" below to begin.)</p>
<p>If this scenario applies to you: We are reviewing your case and will be sending you additional information. We will also schedule you for an appointment at the nearest USCIS Office. If you have not been contacted by September 30, 2010, write to NBC.Adoptions@DHS.gov</p>	<p>START HERE</p>	<p>START HERE</p>

NOTE: If a child qualifies, for immigration purposes, as the child of his or her adoptive parents, then no birth parent of the adopted child shall be given any right, privilege, or status under the Immigration and Nationality Act. Since the child is no longer considered the child of the birth parent, birth siblings are also ineligible for immigration benefits through the adopted child.

Adoptive Parent(s) in the United States

We encourage you to work closely with your Adoption Service Provider if you have one since we frequently provide updated information to them. We strongly discourage parents from traveling to Haiti on their own.

To request an appointment for an orphan screening at the U.S. Embassy in Port au Prince, contact us at HaitianAdoptions@dhs.gov. To ensure your request is processed correctly please follow the instructions below:

1. In the subject line of your email type: "APPOINTMENT REQUEST," Your surname and the name of the orphanage
2. In the body of the e-mail be sure to include:
 - Your child's full name
 - Your child's date of birth
 - Any information you believe we should have in regard to the child's vulnerability (e.g. the child is ill, has special needs, is particularly vulnerable)
 - The name and location of the orphanage where your child is living
 - A point of contact for the orphanage (either in the United States or Haiti)

Please note that your child is likely to be scheduled as part of a larger group, so your response from us may refer to that group as well as to your child. Scheduling all eligible children from a given orphanage together is safer for the children, as they will be able to travel together to the embassy, and ultimately depart from Haiti as a group since all will be authorized and issued their documentation at the same time.

Adoptive Parent(s) in Haiti with Your Adoptive Child(ren)

If you have access to the Internet, please send an e-mail to HaitianAdoptions@dhs.gov. To ensure that your request is processed correctly, please follow the instructions below:

1. In the subject line of your email type: "URGENT -- ADOPTIVE PARENT IN HAITI"
2. In the body of the e-mail be sure to include:
 - Your full name
 - Your home address
 - Your child's name
 - Your child's date of birth
 - Information about how to best contact you

We will make every effort to reply to your message promptly with instructions on when to go to the embassy. You are more likely to get into the embassy and processed quickly if you email us to make the appointment. **It is extremely important that you bring all available adoption documents, identity documents and current photos of your child.**

If you cannot e-mail us in advance, you may proceed directly to the embassy with your child and identify yourself to the guards as an adoptive parent with an orphan child in need of orphan screening at the USCIS Field Office. Although the embassy guards have been instructed to bring all such cases immediately to the front of the line and admit them into the embassy, it may be very difficult for you to gain access, particularly if we are unaware that you are coming. You may also have to make several visits or wait for long periods of time, depending on the information we have available about your case.

Information for Adoptive Parents of Paroled Haitian Orphans

Under normal circumstances, a child immigrating to the United States from Haiti as the adopted orphan child of a U.S. citizen is adopted before leaving Haiti, and is then admitted to the United States with an immigrant visa for Lawful Permanent Residence (LPR) status. The adopted child then acquires citizenship upon entry as specified in section 320 of the Immigration and Nationality Act (INA).

In light of the devastating earthquakes in Haiti, the Secretary of the Department of Homeland Security authorized Haitian children, who were adopted or were in the process of being adopted by American families prior to the earthquake, to be paroled into the United States. “Category 1” parolees are Haitian orphans who were already legally adopted in Haiti. “Category 2” parolees are certain Haitian orphans whose cases had not yet resulted in final adoptions.

It is most important to understand where you were in the adoption process in Haiti, regardless of the category you believe your child fell within at the time of parole. The following is provided for informational purposes to U.S. citizen adoptive parents and prospective adoptive parents.

If	Next Steps for Obtaining LPR Status
The adoption process was completed in Haiti before the child was paroled into the United States	<p>After U.S. Customs and Border Protection (CBP) or the U.S. Department of Health and Human Services (HHS) has released the child into your physical custody, you should file the following forms BEFORE the child's 16th birthday.</p> <p>These forms can be filed together to significantly reduce the processing time.</p> <ul style="list-style-type: none">• Form I-600, <i>Petition to Classify Orphan as an Immediate Relative</i>, and• Form I-485, <i>Application to Register Permanent Residence or Adjust Status</i>.

	<p>After USCIS approves the Form I-485, you may file an <i>Application for Certificate of Citizenship</i> (Form N-600), to obtain evidence of citizenship for the child, or apply for a U.S. passport.</p> <p>You may file a Form I-600 after the child's 16th birthday but before his or her 18th birthday, only if:</p> <ul style="list-style-type: none"> • You legally adopted the child's birth sibling before his or her 16th birthday, or you filed a Form I-600 for the birth sibling before his or her 16th birthday, and • The birth sibling immigrated to the United States based on your legal adoption of him or her, or for the purpose of your legal adoption of the birth sibling.
<p>The child was paroled into the United States, but there was no actual adoption or grant of legal custody from a Haitian court</p>	<p>If you did not legally adopt the child in Haiti, you must decide whether to seek LPR status for the child as an "orphan" under the INA section 101(b)(1)(F) or as an "adopted child" under INA section 101(b)(1)(E).</p> <p><u>Orphan case</u></p> <p>DHS regulations, at 8 CFR 204.3(k)(3), allow for approval of a Form I-600 on behalf of a child in the United States in parole status.</p> <p>Under the DHS regulation, however, you must still adopt the child in Haiti.</p> <p>It is not known, currently when Haiti will be able to resume normal processing of adoption cases, or whether Haiti would require the child to return to Haiti for an adoption proceeding.</p> <p><u>Adopted child case</u></p> <p>Instead of following the Form I-600 process, you may adopt the child in the United States, under resident state laws and then wait to file a <i>Petition for Alien Relative, (Form I-130)</i>, after the child qualifies to immigrate under INA section 101(b)(1)(E).</p> <p>This means that you can file the Form I-130 only after you have lived with the child for at least two years and have had legal custody of the child for at least two years.</p> <p>Note: the U.S. federal government's release of the child into your <i>physical</i> custody is not <i>legal</i> custody for purposes of the adoption requirements for immigration as an adopted child.</p>

After the child has been released into your *physical* custody, you should file a petition to adopt the child with the proper court in your home state, which will establish that you are legally the child's parents and that you have legal custody of your child.

We urge you to begin the adoption process in your home state as soon as possible, because you must obtain the adoption decree *before* the child's 16th birthday.

If the child is age 16 when you adopt the child, then you will not be able to use the Form I-130 route under INA section 101(b)(1)(E).

Filing a Form I-600 before the child's 16th birthday does not meet the requirement of INA section 101(b)(1)(E) that the child must be adopted before the child's 16th birthday.

If the child is already age 16, you will need to wait until Haiti resumes processing of adoption cases, and obtain approval of your Form I-600 after you adopt the child in Haiti, provided that the Form I-600 was filed before the child turned age 16 (as in an 'orphan' case).

- The only exception to this is for a child whom you legally adopted after his or her 16th birthday but before his or her 18th birthday, if:
- The child is the birth sibling of another child who was legally adopted by you, if you adopted or filed a Form I-600 for the birth sibling before his or her 16th birthday, and
- The birth sibling obtained LPR status based on adoption by you.
- After you have had legal custody of the child and have resided with the child for two full years you should file both Form I-130 and Form I-485.
- The period of legal custody will generally begin on the date of the adoption *unless* a state court in the United States grants you legal custody before the actual adoption.
- The Form I-130 and Form I-485 can be filed together to significantly reduce the processing time.
- After the Form I-485 is approved, you may file Form N-600 to obtain a *Certificate of Citizenship* or apply for a U.S. passport for the child.

Q1. Are there any additional requirements from the Haitian government that I should be aware of during this process?

A1. The U.S. Department of State (DOS) is working closely with the Haitian government regarding the Haitian children, who were identified and matched for adoption by U.S. citizens before the earthquake, and who entered the United States under the special humanitarian parole program for those children. The DOS will inform adoptive parents on the Web page, www.adoption.state.gov, of any requests the Haitian government makes concerning these children and their adoption by U.S. parents.

For example, the DOS understands that the Haitian government may want adoptive parents to complete the Haitian adoption process at some point in the future. In addition, the Haitian government may wish that adoptive parents complete post-adoption reports about their adoptive children. We are seeking details on these and any other requests from the Haitian government. We strongly encourage adoptive parents to fulfill any such requests. Failure to respond appropriately could have an adverse impact on future adoptions from Haiti as well as other countries.

Q2. What if I had already filed a Form I-600 for my child?

A2. As indicated in the table above, if you have adopted the child in Haiti, and the child qualifies as an “orphan” as defined in section 101(b)(1)(F) of the INA, the Form I-600 may be approved, even after the parole of the child into the United States. If you have filed Form I-600 for a child who has been adopted in Haiti and it is approved or pending, you may file Form I-485 with USCIS.

However, if you are not able to complete an adoption in Haiti, and you decide to adopt the child in the United States instead, you will still need to file a Form I-130 and Form I-485 in order for the child to immigrate as your adopted child based on your adoption of the child in the United States, provided all of the relevant requirements are met.

Q3. Why is the age of my adoptive child important?

A3. For a Form I-130 case, U.S. immigration law requires that the child must be *adopted* before his or her 16th birthday. For a Form I-600 case, U.S. immigration law provides that the Form I-600 must be *filed* before the child’s 16th birthday.

The only exception to this is for a child whom you adopted or filed a Form I-600 for after his or her 16th birthday but before his or her 18th birthday, if:

- The child is the birth sibling of another child who you legally adopted, if you adopted or filed a Form I-600 for the birth sibling before his or her 16th birthday, and
- The birth sibling obtained LPR status in the United States based on adoption by you.

Q4. My adopted Haitian child entered the United States with an immigrant visa. Do I need to do anything else in order for my child to obtain evidence of U.S. citizenship?

A4. This depends on how your child was admitted to the United States.

- If your adopted child was admitted to the United States with an immigrant visa, he/she became a lawful permanent resident upon admission to the United States.
- If your child was admitted with an IR-3 immigrant visa, your child should receive a Certificate of Citizenship soon after admission.
- If your child was admitted with an IR-4 immigrant visa, you must complete the adoption process in the United States and file a Form N-600 if you wish to obtain a Certificate of Citizenship or apply for a U.S. passport for your child.
- If your adoptive child was admitted with an IR-2 visa (which is extremely rare), you may file a Form N-600 to obtain a Certificate of Citizenship or apply for a U.S. passport for your child.

Q5. My adoptive child's period of humanitarian parole will expire before the child acquires LPR status. What do I need to do?

A5. The expiration date for your child's parole is shown on the DHS Form I-94, issued upon the child's arrival in the United States. If your child's humanitarian parole is going to expire before the child acquires LPR status, you should apply for an extension of your child's humanitarian parole. Be sure to file the extension application before the period of parole expires. This is important because any lapse in your child's lawful immigration status could affect future applications.

To apply for an extension of parole with USCIS you must:

- File an *Application for Travel Document*, (Form I-131), and on the first page write 'EXTENSION REQUEST' in big, bold letters,
- Include the filing fee,
- File an *Affidavit of Support* (Form I-134),
- Include current supporting documentation, and
- Include a copy of your Form I-94, Arrival/Departure Record, which your child was issued upon parole into the United States.

You must submit requests for extensions of parole to USCIS at the following address:

Department of Homeland Security/USCIS
Attn: Chief, Parole Branch
20 Massachusetts Avenue, NW Suite 3300
Washington, DC 20529-2100

USCIS recommends that you file for an extension of parole at least 30 days (and up to 120 days) before the expiration date on your Form I-94, Arrival/Departure Record.

Q6. When can my adoptive child travel outside the United States?

A6. Your child may travel outside the United States after the Form I-485 or N-600 is approved, and your child has received his or her permanent resident card or Certificate of Citizenship. Once your child is a citizen, he/she may need to obtain a passport to travel abroad and return to the United States.

Before the Form I-485 is approved, your child may travel if you file a form I-131, *Application for Travel Document*, and your child has received the advance parole document, which may be used as a travel document for return travel to the United States.

Remember to check the CBP Web site, www.cbp.gov to determine what other documents your child will need to return to the United States.

You should also find out what documents any foreign country may require your child to have, such as a passport or visa, to enter and leave that country.

Q7. Where can I get the forms mentioned above?

A7. All USCIS forms are available for free download at <http://www.USCIS.gov/forms>. Individuals may also call the toll-free USCIS forms hotline, (800) 870-3676.

Orphanage Directors or Other Individuals Caring for Orphan Children

The embassy is scheduling appointments in advance in an effort to pre-process groups of cases. This will allow all children who are eligible in a particular orphanage to be screened at the same time and will only require one trip to the embassy for physical identification. Do not try to enter the embassy without first arranging an appointment, as you may be turned away.

To request an appointment for orphan screenings at the U.S. Embassy in Port au Prince, contact us at HaitianAdoptions@dhs.gov. To ensure your request is processed correctly please follow the instructions below:

1. In the subject line of your email type: "ORPHANAGE SEEKING APPOINTMENT"
2. In the body of the e-mail be sure to include:
 - A list of the children in your care with their dates of birth
 - Name(s) of the children's adoptive parent(s)
 - Contact information for the children's adoptive parents (addresses and e-mail addresses)
 - Status of the each child's case (e.g. pre-IBESR, MOI, etc.)
 - Your contact information (phone number, email, through a U.S. contact, etc.)

If you do not have all the information requested above, provide as much as possible.

USCIS will respond by informing you of your appointment time. Only the orphanage director or other responsible adults should appear for the initial appointment. Bring all available adoption and identity documentation for each child who will be screened as well as current photos if available.

The children will need to be seen at the embassy for physical identification after the cases have been vetted and prior to issuance of the travel documentation. You should only bring the children to the embassy when instructed to do so by USCIS or the U.S. Embassy.

NOTE: We are aware that some orphanages are located a long way from the U.S. Embassy in Port au Prince. We are currently considering how we might make processing available in remote locations, and will provide further information on this at a later time.

For more information about other USCIS Haitian relief efforts, please go to the main page "USCIS Response to Haiti" link on the left.

CMS FAQs Regarding Individuals Arriving from Haiti for Medical Treatment

In response to the recent earthquakes and subsequent humanitarian disaster in Haiti, the Centers for Medicare and Medicaid Services (CMS) has compiled a list of Frequently Asked Questions (FAQs) relating to individuals arriving from Haiti for medical care. The FAQs are intended to provide information to State Medicaid Agencies about how individuals arriving from Haiti can qualify for and receive medical services under Medicaid. These FAQs are available on the CMS website and may be viewed by clicking the following link:

https://questions.cms.hhs.gov/cgi-bin/cmshhs.cfg/php/enduser/std_alp.php?&p_pv=4.1122&p_prods=1,2,476,1122

Suspension of Deportation Removals to Haiti

On January 13, 2010, the Department of Homeland Security, Bureau of Immigration and Customs Enforcement (BICE) announced a suspension of all removals to Haiti for the time being in response to the January 12, 2010 Haiti earthquake.

Temporary Protected Status for Haiti

On January 15, 2010, Department of Homeland Security (DHS) Secretary, Janet Napolitano determined that an 18-month designation of Temporary Protected Status (TPS) for Haiti is warranted because of the devastating earthquake and aftershocks which occurred on January 12, 2010. As a result, Haitians in the United States (and other individuals without nationality who last habitually resided in Haiti) are unable to return safely to their country. DHS will continue to work with other branches of the United States Government to closely monitor developments in Haiti to determine the need for additional action.

Immigration applications for TPS filed by nationals of Haiti. Further detailed information will be posted in the Federal Register Notice announcing the Secretary's decision to designate Haiti. DHS estimates that approximately 100,000 to 200,000 individuals will be eligible for TPS.

The TPS designation for Haiti will remain in effect through July 22, 2011. The designation means that eligible Haitian nationals will not be removed from the United States and will also be eligible to apply to work in the United States. The 180-day registration period for eligible Haitian nationals to apply for TPS begins on January 21, 2010 and will end on July 20, 2010.

The designation applies only to those Haitians who resided in the United States on or before January 12, 2010. TPS will not be granted to Haitian nationals who entered the United States after January 12, 2010.

Questions and Answers

1. What is Temporary Protected Status?

TPS is a temporary immigration status granted to eligible nationals of a certain country (or persons without nationality who last habitually lived in that country) designated by the Secretary of Homeland Security because that country has experienced temporary negative conditions, such as armed conflict or an environmental disaster, that prevent nationals of the country from returning safely or for the country to handle their return adequately. TPS beneficiaries are allowed to remain in the United States and can legally work for a set time period. (See Section 244 of the Immigration and Nationality Act (INA), 8 U.S.C. § 1254a.)

2. I am a Haitian national; currently I cannot return to Haiti due to the earthquake and would like to apply for TPS. Am I eligible to apply for TPS?

To qualify, you must:

- Be a national of Haiti, or a person without nationality who last habitually resided in Haiti;
- Have continuously resided in the U.S. since January 12, 2010.
- Have been continuously physically present in the U.S. since the date of the Federal Register Notice publication, and
- Meet certain immigrant admissibility requirements, and other TPS eligibility requirements (See INA § 244(c), 8 U.S.C. § 1254a and 8 C.F.R. §§ 144.2-244.4.)
- Satisfactorily complete all TPS application procedures as described in the Federal Register notice announcing Haitian TPS, the TPS application instructions (Form I-821), and regulations at 8 C.F.R. §§ 244.6 - 244.9.

3. I am a Haitian national; when can I submit my initial application for TPS?

The registration period will start on the date the Federal Register notice is published and continue for 180 days from that date. You must file during the 180-day registration period. Your application will be considered as being properly filed if it is postmarked on or before the last day of the registration period.

4. I am a Haitian national; how do I apply for TPS?

You must register by filing both an [Application for Temporary Protected Status](#) (Form I-821) and an [Application for Employment Authorization](#) (Form I-765), with any appropriate fees (see table below) or fee waiver requests.

If you are	And	Then,	And,
Applying for initial TPS and you are between the ages of 14 and 65 (inclusive)	You are applying for a TPS-related EAD	You must submit the \$50 Form I-821 application fee	You must submit the \$340 Form I-765 application fee
Applying for initial TPS and you are under age 14 or over age 65	You are applying for a TPS-related EAD	You must submit the \$50 Form I-821 application fee	You do not need to submit the Form I-765 application fee
Applying for initial TPS, regardless of age	You are not applying for a TPS-related EAD	You must submit the \$50 Form I-821 application fee	You do not need to submit the Form I-765 application fee

- You must use the version of Form I-821 dated 10/17/2007 or later and the version of Form I-765 dated 5/27/2008 or later. Failure to use these versions of the forms may result in rejection of your applications.
- You must take care in filling out the forms and ensure that all questions are answered. Failure to completely answer any questions may result in a delay of case processing.
- If you are age 14 or over: you must also pay an \$80 biometric fee, or submit a fee waiver request.
- You should not file your application prior to the date of the Federal Register notice publication.

5. Where can I obtain the necessary forms for TPS?

These forms are available by calling the toll-free USCIS Forms Hotline (800) 870-3676 or by selecting Forms on the USCIS Web site: www.uscis.gov.

6. I am a Haitian national applying for TPS; what is the filing fee to apply for TPS?

- The fee for Form I-821 is \$50.
- A separate \$80 biometric fee is required if you are age 14 or older.
- A \$340 fee must accompany Form I-765 for employment authorization if you are age 14 to 65.
 - If you do not require employment authorization, Form I-765 is still required but no fee is necessary.

7. What if I cannot afford to pay for filing and/or biometrics fees?

You may request a waiver of TPS-related application fees and/or the biometrics fee by submitting a fee waiver request with proper documentation of inability to pay. Such documentation would include:

- Receiving a federal/state benefits that is determined by your level of income, or
- Evidence of household income that is below Federal poverty guidelines; or
- Evidence of extraordinary expenses incurred when compared to income such as high medical bills

Fee waivers may also be given for humanitarian reasons such as disability, homelessness or age. Documentation must also be provided to support these claims. All documentation must be in English or translated into English.

An individual who requests a fee waiver must state exactly which fees (e.g., Form I-821 application fee, Form I-765 application fee; and/or the biometrics services fee) he or she wants waived. In order to obtain a fee waiver, you must submit, with these forms, a written statement, made under oath, affirmation, or pursuant to 28 USC 1746, under penalty of perjury. In the written statement you must state that you believe you are eligible for TPS and that you want the fees waived. You must also explain why you are unable to pay the required fees.

8. What type of basic supporting documentation must I submit?

The filing instructions for Form I-821, list all the documents needed to establish basic eligibility for TPS.

- In addition, you must submit two color passport-style photographs of yourself and evidence that you meet the basic eligibility requirements for TPS to include evidence that you:
 - are a national of Haiti or a person with no nationality who last habitually resided in Haiti (such as a copy of your passport or birth certificate);
 - continuously resided in the United States since January 12, 2010; and
 - have been continuously physically present in the United States since the date of the publication of the Federal Register Notice.

9. Do I need to submit any additional supporting documentation?

Depending on the nature of the question(s) you are addressing, additional documentation alone may be sufficient, but usually a written explanation will also be needed.

10. What if I cannot get the documentation proving that I am a Haitian national because of the devastation in my country?

To prove that you are a national of Haiti, you can submit either a copy of your Haitian passport or a copy of your birth certificate, showing that you were born in Haiti. We expect that most Haitian TPS applicants should have a passport and may submit a copy of it even if it has expired.

If you do not have a Haitian passport and are unable to obtain your birth certificate from Haiti, you will need to submit secondary evidence. This secondary evidence can be any other documentation you already have in your possession from Haiti, showing that you are a national or citizen of Haiti. Secondary evidence can also be in the form of your baptismal certificate from Haiti, sworn affidavits from close family members providing the specific details of the date and place of your birth and how they know this information. If any document is not in English it must be accompanied by an English translation. The person translating the document must certify that he or she is competent in English and the foreign language from which the document is translated and that the translation is true and correct to the best of his or her ability, knowledge and belief.

If you are a person with no nationality that last habitually resided in Haiti, you must show that you are stateless. That is, that you have no nationality at all. You must submit a statement explaining why you are stateless. You must also submit any documentation you may have from Haiti showing that you last habitually resided there. If that documentation is not available, you may submit sworn affidavits from close friends and family members who have direct knowledge of your residence in Haiti. Again, any documents not in English must be accompanied by a certified English translation.

11. How do I prove continuous physical presence and continuous residence in the United States?

There are a number of different types of documents that you can submit proving your continuous residence in the United States since January 12, 2010 and your continued physical presence in the United States since the date the Federal Register notice was published designating Haiti for TPS. For example, you can submit job letters from your current and former employers showing where you have worked, rent receipts, payroll stubs, bank statements, school records, or any other documents you may have showing your continuous physical presence and continuous residence in the U.S

12. Where do I submit my TPS package applications?

This information will become available after the Federal Register notice is published. Please do not try to file your applications prior to that date.

13. Can I apply electronically via the Web?

No, you cannot file electronically. Electronic filing is not available for initial TPS registrations.

14. I am a Haitian national who has applied for TPS. What should I do if I am scheduled for an appointment at the Application Support Center (ASC) but am unable to make my appointment?

If you are unable to appear for your ASC appointment, your application may be denied for abandonment.

15. How do I reschedule my ASC appointment for biometrics?

To request rescheduling of an ASC appointment, please make a copy of your appointment notice to retain for your records, then mail the original notice with your rescheduling request to the ASC address listed on the notice. A new appointment notice will be sent to you by mail. **Please note that rescheduling a biometrics appointment may cause the adjudication of your applications to be delayed.**

16. Will I receive authorization to work? What documents do I use as proof of employment authorization?

After you file your Form I-765, *Application for Employment Authorization (EAD)*, and Form I-821, and pay the appropriate fees (or you are granted a fee waiver), USCIS will review your applications. Once this preliminary processing has been completed, you will be issued an Employment Authorization Document. USCIS will not grant employment authorization until after your biometrics is collected at an ASC and a background check is performed. Once we have completed processing your TPS application, you will receive a written notice of our decision. If you have obtained an EAD you may present your valid EAD to an employer as proof of employment authorization and identity.

- You may also present any other legally acceptable document or combination of documents listed on the Form I-9 as proof of identity and employment eligibility.

17. I am a national of Haiti; I arrived in the United States after January 12, 2010. Am I eligible for TPS?

No. To be eligible for benefits, nationals of Haiti (or persons having no nationality who last habitually resided in Haiti) must have continuously resided in the United States since January 12, 2010.

18. Can I use TPS as a basis for obtaining permanent resident status?

No. TPS is a temporary benefit that does not lead to lawful permanent resident status by itself or confer any other immigration status.

19. May I apply for another immigration benefit while registered for TPS? Yes.

Registration for TPS does not prevent you from applying for nonimmigrant status, filing for adjustment of status based on an immigrant petition, or applying for any other immigration benefit or protection for which you may be eligible.

20. How does an application for TPS affect my application for asylum or other immigration benefits?

An application for TPS does not affect an application for asylum or any other immigration benefit and vice versa.

- Denial of an application for asylum or any other immigration benefit does not affect an alien's ability to register for TPS, although the grounds of denial of that application may also lead to denial of TPS. (For example, an alien who has been convicted of an aggravated felony is not eligible for asylum or TPS.)

If a person who has been granted TPS has a family or employment -based petition approved on his/her behalf and a priority date that is current, he/she can only adjust status in the United States if he/she was inspected and admitted, or paroled, and (with few exceptions) has maintained lawful status while in the United States. If he/she entered the United States illegally or fell out of a legal status before or after having TPS, he/she may be ineligible to adjust status in the United States. For adjustment purposes, the time that a person is in TPS is considered as a period of lawful non-immigrant status, but merely having TPS does not "cure" all other periods of time before and after TPS when the person may not have had lawful status.

21. Can I obtain a travel document to travel outside the U.S. and return? If I violate the terms and conditions of my status or have been in the U.S. without lawful status and then leave the U.S., will I be able to come back?

If you are granted TPS, you may apply for advance parole by filing Form I-131, Application for Travel Document. If approved, you'll be given an advance parole document. An advance parole document allows you to depart the U.S. and re-enter as long as the advance parole document remains valid.

- Advance parole cannot be granted for longer than the period of time your country is designated for TPS.
- Advance parole is within the discretion of DHS and is not guaranteed.

Any violation of immigration law can affect your eligibility to reenter the U.S. In some instances failure to obey the law may permanently bar your return. This is true even if you have a visa, advance parole or other document, or at some point otherwise become eligible for status. USCIS will not make a determination as to whether you may be inadmissible in advance, even if you apply for an advance parole.

- The best way to ensure that you will not have a problem is to make sure you meet your commitment, and as a guest of the U.S., ensure that you fully understand the terms and conditions of your status, and do not violate them. If you believe you may have violated your status, you may want to seek legal advice about the possible impact on your ability to reenter the U.S. in the future.
- You may also want to seek legal advice if you have been illegally present in the U.S. at any time and you anticipate leaving the U.S., even with approved advance parole. You could be found ineligible for certain immigration benefits in the future if you leave the U.S. because your departure may trigger the unlawful presence ground of inadmissibility in section 212(a)(9) of the INA.

22. What might make me ineligible for TPS?

- A person who has been convicted of any felony, or two or more misdemeanors committed in the United States is not eligible for TPS.
- A person subject to several other criminal and security-related bars to asylum is also ineligible. This would include participating in the persecution of another individual or engaging in or inciting terrorist activity.

23. I am a Haitian national who has applied for TPS; I have recently moved. How do I make sure my address is current?

Most non-United States (U.S.) citizens who are in the U.S. are required by law to notify DHS of any change of address within 10 days after moving to a new address. To notify DHS of your change of address, you must file a Form AR-11, Change of Address. The Form AR-11 can now be completed electronically on our website at www.uscis.gov.

Even if you are one of the few aliens not legally required to provide a change of address, you should keep your address current if you have filed any application or petition with us and it is still pending a decision, so you can get any notices or decisions from us. To notify us of your change of address you can call the USCIS National Customer Service Center at 1-800-375-5283 or you can file the Form AR-11, Change of Address. Form AR-11 can now be completed electronically on our website at www.uscis.gov

24. Where can I receive additional information?

Please contact the USCIS National Customer Service Center at: 1-800-375-5283 or 1-800-767-1833 (TTY).

HAITI – Travel Warning

March 15, 2010

The Department of State warns U.S. citizens of the situation in Haiti in the aftermath of a powerful earthquake, measuring 7.0 magnitude, that struck near Port-au-Prince on January 12. The Department of State has ordered the departure of all non-emergency U.S. government personnel from Haiti. This replaces the Travel Warning for Haiti dated February 22, 2010, and provides information on crime-related threats to U.S. citizens in Haiti.

The Department of State strongly urges U.S. citizens to avoid travel to Haiti. The January 12 earthquake caused significant damage to key infrastructure, and access to basic services is extremely limited. Additional aftershocks remain a possibility. All forms of communication within Haiti are limited. The country is experiencing a shortage of food, water, transportation, and adequate shelter. Many medical facilities have been operating beyond maximum capacity, and the current sanitation situation poses serious health risks. The Embassy's ability to provide emergency consular services is limited. With the resumption of commercial air services on February 19, the U.S. government has discontinued evacuation assistance.

Those wishing to assist in Haiti relief efforts should be aware that despite their good intentions, travel to Haiti will increase the burden on a system already struggling to support those in need on the ground. Those wishing to volunteer their services are advised that Non-Governmental Organizations (NGOs) are reporting that their capacity to absorb additional volunteers is limited. Cash donations are the most effective way to help the relief effort in Haiti. Cash allows established organizations to purchase the exact type and quantity of items needed to help those affected by the earthquake without having to pay the high costs associated with transporting physical donations to Haiti.

Financial contributions can be transferred quickly and reduce the challenges posed by limited staff, equipment, and space. Cash donations support Haiti's local economy and ensure that culturally and environmentally appropriate assistance is rendered. The following website has information on how to assist in the Haiti earthquake relief effort: <http://www.whitehouse.gov/HaitiEarthquake>

U.S. citizens who intend to work for an organization involved in relief efforts in Haiti should be aware that living conditions are difficult, and the availability of food supplies, clean drinking water, and adequate shelter in Haiti is limited. U.S. citizens seeking work with a relief organization should ascertain before traveling to Haiti that the organization has the capability to provide food, water, and shelter for its paid and volunteer workers. All relief organizations should have in place a security plan for their personnel.

Strong aftershocks are likely for months after an earthquake. In the event of an aftershock, persons outside should avoid falling debris by moving to open spaces, away from walls, windows, buildings, and other structures that may collapse. If indoors, persons should take shelter beside furniture, not underneath. Experts believe that curling into a fetal position beside a table, desk or couch may create a "survivable void" inside collapsed buildings. Avoid damaged buildings and downed power lines. Do not use matches, lighters, candles, or any open flame in case of disrupted gas lines.

U.S. citizens traveling to and residing in Haiti despite this warning are reminded that there remains a persistent danger of violent crime, including homicides and kidnappings. Since the January 12 earthquake, four American citizens have been murdered in Port-au-Prince. Most kidnappings are criminal in nature, and the kidnappers make no distinctions of nationality, race, gender, or age. Some kidnap victims have been killed, shot, sexually assaulted, or physically abused. While the capacity and capabilities of the Haitian National Police have improved since 2006, the presence of UN stabilization force (MINUSTAH) peacekeeping troops and UN-formed police units remain critical to maintaining an adequate level of security throughout the country. The lack of civil protections in Haiti, as well as the limited capability of local law enforcement to resolve crime, further compounds the security threat to American citizens.

While MINUSTAH remains fully deployed and is assisting the Government of Haiti in providing security, travel is always hazardous within Port-au-Prince. The Department of State has ordered the departure of all non-emergency U.S. government personnel from Haiti. Remaining U.S. Embassy personnel are under an Embassy-imposed curfew and must remain in their homes or in U.S. government facilities during the curfew. Some areas are

off-limits to Embassy staff after dark, including downtown Port-au-Prince. The Embassy restricts travel by its staff to some areas outside of Port-au-Prince because of the prevailing road, weather, or security conditions. This may constrain our ability to provide emergency services to U.S. citizens outside Port-au-Prince. Demonstrations and violence may occasionally limit Embassy operations to emergency services, even within Port-au-Prince.

U.S. citizens who choose to travel to Haiti despite this Travel Warning are urged to register their travel through the [State Department's travel registration website](#). [The Embassy of the United States Port-au-Prince Haiti](#) is located at Boulevard du 15 Octobre, Tabarre 41, Tabarre, Haiti, telephone: (509) (2) 229-8000, facsimile: (509) (2) 229-8027, email: acspap@state.gov American Citizens Services Unit office hours are 7:00 a.m. to 3:30 p.m., Monday through Friday. The Consular Section is closed on U.S. and local holidays.

While the Embassy's ability to provide emergency consular services is limited, registration will enable receipt of warden messages via email. Current information on safety and security can also be obtained by calling 1-888-407-4747 toll free in the United States, or for callers outside the United States and Canada, a regular toll-line at 1-202-501-4444. These numbers are available from 8:00 a.m. to 8:00 p.m. Eastern Time, Monday through Friday, except U.S. federal holidays.